

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

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|-----------------------------|---|---------------------------------|
| THE NATIONAL FEDERATION OF |) | |
| THE BLIND, et al. |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Civil Action No. 18-01568 (TDC) |
| v. |) | |
| |) | |
| UNITED STATES DEPARTMENT OF |) | |
| EDUCATION, et al. |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED COMPLAINT**

Defendants, by and through counsel, respectfully submit this Motion to Dismiss Plaintiffs' Second Amended Complaint. As set forth in Defendants' accompanying Memorandum of Law, this case, brought by Plaintiffs, the National Federation of the Blind, the Council of Parent Attorneys and Advocates, and the National Association for the Advancement of Colored People, Inc. on behalf of themselves and their respective members, should be dismissed for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), or alternatively for failure to state a claim up which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

Dated: February 11, 2019

Respectfully submitted,

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ROBERT K. HUR
United States Attorney

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Assistant Branch Director

/s/ Tamra T. Moore
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